

1 DEPARTMENT OF LABOR AND INDUSTRIES
2 STATE OF WASHINGTON
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5
6 ELECTRICAL BOARD MEETING
7 (Condensed)
8 TRANSCRIPT OF PROCEEDINGS
9

10 Wednesday, January 4, 2006
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13 BE IT REMEMBERED, that a special Electrical Board
meeting was held at 9:00 a.m. on Wednesday, January 4,
14 2006, with all members appearing telephonically. Those
present were: CHAIRPERSON GLORIA ASHFORD and BOARD
15 MEMBERS JIM SIMMONS (Vice Chair), TOM PHILLIPS, PHILIP
PARKER, LEA WILSON, DON KOPCZYNSKI, FRED TRICARICO, DAVID
16 A. BOWMAN, DAVID S. BOWMAN, DAVID M. JACOBSEN, TRACY
PREZEAU, DON GUILLOT, DAVE GOUGH and SECRETARY/CHIEF
17 ELECTRICAL INSPECTOR RONALD FULLER. Also present were
SALLY ELLIOTT with Specialty Compliance (also appearing
18 telephonically) and DICK KING (physically present in Ron
Fuller's office) as audience members.

19 WHEREUPON, the following proceedings were held, to
wit:

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Reported by:
22 H. Milton Vance, CCR, CSR
(License #2219)

23

EXCEL COURT REPORTING
24 16022-17th Avenue Court East
Tacoma, WA 98445-3310
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1 PROCEEDINGS
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3 CHAIRPERSON ASHFORD: Okay, if we're ready to go, it
4 looks like it is January 4, 2006, 9:05. We'll convene the
5 special meeting of the Department of Labor and Industries
6 Electrical Board.

7 We'll start with a verbal roll call.

8 (Members identified themselves.)
9 All right, that completes our verbal roll call.
10 We'll proceed with conducting this meeting which you know
11 is to review the changes to the WAC rules. You should
12 have a final draft copy dated 12/01/05 in front of you.
13 And I will now turn it over to Ron Fuller to review
14 the changes that have been made since our October meeting.
15 Mr. Fuller.
16 SECRETARY FULLER: Okay. Hopefully the draft is
17 12/21, not 12/01. Is that what everyone has? 12/21?
18 BOARD MEMBER (Unidentified): Right.
19 BOARD MEMBER (Unidentified): Hold on a second.
20 SECRETARY FULLER: Okay, who just came on?
21 BOARD MEMBER PARKER: This is Phil Parker.
22 SECRETARY FULLER: Thanks, Phil.
23 The ground rules still are that if you need to say
24 anything, we need to have your name up-front before you
25 start so the court reporter can get it accurately.

3

1 BOARD MEMBER PARKER: That would be fine.
2 SECRETARY FULLER: Okay. Thanks.
3 Okay, what I need to do today because we've had a few
4 changes since the October Board meeting with the rule
5 proposals is to go over those changes with you. I don't
6 intend to go through the whole package again, just the
7 changes. So I will start by doing that.
8 And the first one -- and I apologize because we don't
9 have page numbers on this draft. But it's section 020,
10 General definitions. And it's paragraph (32), "Household
11 appliance" definition.
12 I'll give everybody a couple of seconds to get there.
13 The change in this one is in front of "water heating
14 equipment," we've put the word "electric." We had some of
15 the plumbing industry people come back to us and say,
16 "What are you trying to do? Regulate gas water heaters?"
17 And we said, "No, that's not our intent."
18 So we added the word "electric" in front of that.
19 And the Board needs to be aware that there's still
20 some issues surrounding listing water heating here at all
21 or defining household appliances because some of the
22 plumbing industry believe that the statutory intent was to
23 allow the plumbing and electrician crossover that was
24 passed three years ago to extend into commercial and
25 industrial installations. And we don't feel that it does.

1 So this definition specifically excludes commercial and
2 industrial and keeps this into -- keeps that crossover
3 work into dwelling units.

4 The other reason that we needed to define household
5 appliance was to be able to allow these things to be
6 included in the class A exempt permit list. So without
7 it, we would have some jeopardy about does it require a
8 permit or does it not. And our intent is that if it's a
9 household appliance, it does not require a permit and an
10 inspection. So we want to save the money for the
11 contractors doing that. And we don't feel like we need to
12 inspect them.

13 Okay. Then the next change is in section 030,
14 paragraph number (2)(d). It's the very last paragraph in
15 (2).

16 This change is just a shortened version of what the
17 Board looked at earlier. It talks about how an engineer
18 that's accredited with us could do review of industrial
19 equipment. And we had a lot longer language before, and
20 we've been working with the AG's office on our side -- not
21 the Board's AG, but the Department's AG -- and we shrank
22 that language down considerably. So it's about half of
23 what it was. Really no changes. It's just that we
24 eliminated a lot of the steps that they had to go through
25 to be accredited and how they did their label affixing and

1 those kinds of things.

2 If anybody has questions on these as I'm going
3 through them, speak up too.

4 BOARD MEMBER PREZEAU: And Ron, I don't mean to step
5 backwards, but if you would -- I just have a quick
6 question about the definition of "household appliance."

7 SECRETARY FULLER: Okay.

8 BOARD MEMBER PREZEAU: My only question is: You
9 know, I just would like to get your opinion on -- I
10 certainly appreciate your comments about preserving the
11 crossover in commercial work. But I was curious as to
12 whether or not you think this -- I know there's only one
13 change -- the addition of the electric description under
14 water heating, but I'm curious if in your opinion you
15 think that potentially this new expanded definition of
16 "household appliance" would actually allow plumbers to do
17 more work in a residential setting. What I mean
18 specifically is I think historically plumbers were

19 restricted to working on only appliances that had plumbing
20 or waste systems attached to them. But now they're -- in
21 a residential setting they're allowed to work on all
22 electrical appliances. Is that -- you think that's a
23 correct assumption?
24 SECRETARY FULLER: No. No.
25 BOARD MEMBER PREZEAU: Okay.

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1 SECRETARY FULLER: All this is about is allowing --
2 it's letting us use the definition to apply to the permit
3 exempt list, Tracy.
4 BOARD MEMBER PREZEAU: Okay.
5 SECRETARY FULLER: So the plumbing -- actually
6 there's no change in the plumbing statute. It's actually
7 in the contractor registration.
8 BOARD MEMBER PREZEAU: Okay.
9 SECRETARY FULLER: RCW 18.27 allows electricians to
10 do plumbing work. And then in our statute, it allows the
11 plumbers to do the electrical work in a household -- on a
12 household appliance or household utilization equipment.
13 So it doesn't restrict them from doing what the statute
14 let's them do, but it doesn't expand it either.
15 BOARD MEMBER PREZEAU: Okay. Thank you very much.
16 SECRETARY FULLER: So no clothes dryers, in other
17 words.
18 BOARD MEMBER PREZEAU: Okay. Perfect.
19 SECRETARY FULLER: Okay. The next change is in
20 section 110. And it's paragraph number (10).
21 We deleted the second sentence in that -- or third
22 sentence there that says "A cover inspection is required
23 of all fire-wall penetrations."
24 That's a big conflict with what we did in the rule
25 change in November. Because, if you remember, we brought

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1 a lot of the low-voltage installations into class B. And
2 when you think about it, most low-voltage installations
3 cross the firewall. So this would have basically
4 prohibited everything that we did in November. So we're
5 taking the firewall penetration language out.
6 BOARD MEMBER PARKER: Ron, back one page before that
7 about the inspections and -- and I guess it's in 110 and
8 section (8) about class B basic inspections. Are we
9 rewarding someone for failing, say, the first nine
10 inspections on a label block and then allowing them to

11 just look at one more? Does that hamper our inspectors?
12 SECRETARY FULLER: I don't believe so. Because if we
13 write a correction, then we continue inspecting labels
14 until we get a clean installation.
15 And in reality, if we have somebody that's getting
16 corrections on these jobs, we don't have to sell them the
17 label books and we will stop their ability to use them.
18 BOARD MEMBER PARKER: Oh, okay. I just wasn't sure
19 whether it just kind of if they fail the first eight of
20 them out of their booklet and then passed one, then they
21 were clean for the other rest of the book.
22 SECRETARY FULLER: No. Well, they are from an
23 inspection point of view, Phil. But from a compliance and
24 regulatory part, they definitely would not be because I'd
25 be taking issues with their ability to do the job if they

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1 fail this kind of a job.
2 BOARD MEMBER PARKER: Okay, that's fine. I just -- I
3 read that one and had a question. Thank you.
4 SECRETARY FULLER: Okay. The next change is in 210.
5 It's on the next page actually on 052(C), the sub bullet,
6 paragraph (6) and (7) for countertops.
7 This is one that's been bothering the Department
8 quite a bit for the last few years actually. But the 2005
9 code changed to -- in 210.52 to require that if you have a
10 sink or a range, for instance, in a corner in a kitchen on
11 the countertop, that if you're over 18 inches from the
12 back of that sink to the corner, then you have to put an
13 outlet in behind the sink.
14 And the one that broke my back on this and made me
15 write this rule change is that we actually had one that
16 was 18 and a half inches, and the inspector would not back
17 down from requiring an outlet. So it's not uncommon for
18 us to run into these. We've had like three of these since
19 the October Board meeting come to the Chief's office.
20 And this is the only way that I can see to eliminate
21 that problem. Because I just don't see the need for an
22 outlet behind a sink in a corner. I think there's more
23 hazard there sometimes than there is good. But I would
24 think -- the only thing I can think of is for you putting
25 your TV behind the sink or something. So this is a

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1 proposal from the Department that hasn't been looked at by
2 anybody yet.

3 And a similar issue with peninsula counters. We've
4 had a couple of those since the Board meeting also where
5 the customer has marble countertops, for instance, and the
6 job is all complete, and the inspector goes out and does
7 the final, and lo and behold there's not an outlet out on
8 that counter. And then it becomes a very costly fix to
9 come back and put a plug in that countertop somewhere.
10 Sometimes it's not aesthetically good, but --

11 There's been a lot of controversy on this whole issue
12 also with the National Fire Protection Association over
13 the years with should there be any plugs on peninsulas at
14 all. Because if you do, they usually put them in the face
15 of the counters, and then you have the cord hanging over
16 the edge, and the little kid comes by and yanks the
17 toaster off on top of their head and those kinds of
18 things.

19 So these are brand new ones. So hopefully the
20 Board's read them and can agree with them.

21 BOARD MEMBER (D.A.) BOWMAN: I have a couple
22 questions on these.

23 SECRETARY FULLER: Okay.

24 BOARD MEMBER (D.A.) BOWMAN: One, on paragraph (6)
25 where it says outlets must be installed within 24 inches

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1 on either side of the sink or range, does that require
2 that there be one on each side or is the intent only that
3 one be on one side or the other?

4 SECRETARY FULLER: Well, it's -- when you look at
5 that figure, Dave, it's just the standard outlet that
6 would be required. So if there's not a one-foot counter
7 on one side, there would be no outlet required. But if
8 there is a two-foot counter, then you would have to put an
9 outlet in. So that's just the standard countertop outlet
10 basically.

11 BOARD MEMBER (D.A.) BOWMAN: Is the figure in here?
12 I didn't see the figure when I went --

13 SECRETARY FULLER: No. That's in the National
14 Electrical Code in figure 210.52.

15 BOARD MEMBER (D.A.) BOWMAN: Okay. So the issue here
16 is that you have a sink or a range. My question is: Is
17 an outlet required on each side or only on one side or the
18 other? Or is there some other condition that applies to
19 that?

20 SECRETARY FULLER: It's required on both sides if the
21 countertop on both sides is more than 12 inches wide.

22 BOARD MEMBER SIMMONS: David, all this is changing is
23 simply the requirement for the receptacle that is in the
24 NEC for a space larger than 18 inches or 18 inches or
25 larger behind a sink or range or countertop appliance like

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1 that. So if you have a cooktop or something like that
2 where it's mounted in the center of the corner where two
3 cabinets come together, as an example, and you have a
4 window behind it, if there's an 18-inch space back there,
5 right now the NEC requires an outlet back there. All this
6 is changing is that requirement. It does not change any
7 requirements for the existing countertop on either side of
8 that appliance.

9 SECRETARY FULLER: It really depends on the size of
10 the counter next to the sink, Dave. If it's a little
11 bitty counter like six inches, then no outlet is required.
12 But if it's a normal situation where there would be a
13 countertop, there would be an outlet required. So it
14 doesn't change anything on the sides basically.

15 BOARD MEMBER (D.A.) BOWMAN: Okay.

16 Then my second question on paragraph (7) is the
17 second sentence in -- or excuse me, the -- yeah, second
18 sentence says that any outlet eliminated using this
19 subsection must be installed in the wall space directly
20 opposite the point where the peninsula connects to the
21 wall countertop. That makes it sound to me like it's all
22 the way across the room.

23 SECRETARY FULLER: No. Where the peninsula connects
24 to the wall countertop. So if you've got a peninsula
25 sticking out off of a wall, at the wall end you would add

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1 an outlet or two or whatever it takes. It could be up to
2 two. So we don't lose any outlets. We just relocate them
3 basically.

4 BOARD MEMBER (D.A.) BOWMAN: I understand we're
5 relocating it. But the way the wording is, it makes it
6 sound to me like it's all the way across the room when you
7 say in the wall space directly opposite the point where
8 the peninsula connects to the wall.

9 SECRETARY FULLER: Well --

10 BOARD MEMBER PHILLIPS: I agree that's the way it
11 sounds, this is directly opposite the point where the
12 peninsula connects.

13 BOARD MEMBER SIMMONS: And I agree too. I think that

14 could be worded better, Ron. Possibly any outlet or
15 outlets eliminated using this subsection must be installed
16 in the wall space directly where the peninsula connects to
17 the wall, for example.

18 SECRETARY FULLER: Okay, I like that. That sounds
19 good.

20 BOARD MEMBER PHILLIPS: I don't even think that
21 language is needed. Because the peninsula is the portion
22 that extends past the counter. So the outlets that you're
23 talking about replacing are already required by the
24 counter outlet. And that I don't think would be
25 considered a peninsula if that connects to the wall, but

13

1 that's just part of the counter.

2 BOARD MEMBER SIMMONS: What he's saying here is if
3 you delete that outlet from the peninsula, then you're
4 required to add an additional outlet on the wall space to
5 serve that peninsula. It is an additional requirement.

6 BOARD MEMBER PHILLIPS: So you might have to have two
7 duplex receptacles right next to each other?

8 BOARD MEMBER SIMMONS: Exactly.

9 SECRETARY FULLER: Because I don't want to lose the
10 outlets, Tom. I want the full countertop to still have
11 the same number of available outlets.

12 CHAIRPERSON ASHFORD: I think on the (7)(a) it's
13 getting a little confusing now with all of these ideas
14 being --

15 SECRETARY FULLER: Okay. Well, let me reread what
16 I'd like to say on (6) and (7) Gloria, maybe?

17 CHAIRPERSON ASHFORD: Okay, that's a good idea.

18 SECRETARY FULLER: Okay. On number (6), I'd like to
19 say "a receptacle is not required to be installed in the
20 area directly behind a sink or range as shown in NEC
21 210.52, figure 210.52. Outlets must be installed within
22 24 inches on either side of a sink or range as shown in"
23 -- and I'm going to add the words "NEC figure 210.52."

24 And then in paragraph (7), I'd like to say "a
25 receptacle is not required on any peninsula or counter

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1 surface as required by NEC 210.52(c)(3) so long as the
2 peninsula or counter area extends no farther than six feet
3 from the face of the adjoining countertop. Any outlet or
4 outlets eliminated using this subsection must be installed
5 in the wall space directly where the point where the

6 peninsula connects to the wall countertop in addition to
7 the outlets required by NEC 210.52(c)(1)."

8 CHAIRPERSON ASHFORD: Is that clear to everyone now?
9 Any further discussion on that item?

10 BOARD MEMBER PHILLIPS: So that means you can have a
11 six-foot peninsula without a receptacle in it now?

12 SECRETARY FULLER: That's correct.

13 BOARD MEMBER PHILLIPS: It seems like a big change.

14 BOARD MEMBER SIMMONS: I'm kind of agreeing with that
15 one. That is kind of a big change.

16 The reasoning -- I understand, Ron, your reasoning
17 for number (6). And even though we are -- in my opinion,
18 we should be very hesitant to change the requirements in
19 the National Electrical Code because of all the processes
20 and everything else that it goes through.

21 In number (6) I agree with you. I think that's a --
22 in most cases an unused or nonusable place on the
23 countertop anyway, and it's kind of a silly requirement.

24 I am not convinced yet that number (7) is a necessary
25 thing. And could you do a little more to convince me of

15

1 that?

2 SECRETARY FULLER: Well, the dilemma that we have in
3 here with this issue is that it's usually not clear on the
4 rough-in inspection whether, first of all, there's even
5 going to be a peninsula there or not.

6 Secondary is that even if we know it's going to be
7 there, we're not sure how they're going to wire it because
8 the counters don't come in until after the cover
9 inspection is done.

10 And then what we come into several times every year
11 is with the high-end houses that are being built today is
12 that we've got granite and marble countertops and all
13 kinds of fancy surfaces basically that are extremely
14 expensive to damage to either put a pedestal in and
15 sometimes get the wire out to even do a counter wall type
16 outlet. It becomes a very costly issue at the final
17 inspection time. And I'm not sure that it's worth it for
18 what we gain out of it because of all the controversy
19 that's been discussed over the years, at the NEC level
20 especially, about whether there should be one there or
21 not.

22 This is -- you know, this is a code-change proposal
23 every year, and every year the NFPA has rejected it. You
24 know, I recognize that. But there's a significant amount

25 of testimony and call for doing what I'm asking to do

16

1 here.

2 I guess for me it just gets down to a point at the
3 final inspection: Is it really worth the ordeal that you
4 put in reality the end customer through to get that plug
5 out on a peninsula? And I don't believe that it is
6 personally.

7 BOARD MEMBER SIMMONS: What if -- I'm trying to think
8 of a way to say that, Ron. Maybe then -- and I see your
9 point. Maybe there's a way to say it where we are still
10 leaving the requirement in by the NEC but giving people an
11 option if there's an issue with counter space or a design
12 or hard surfaces or something like that. Because I've run
13 into it. And I'll tell you where I've run into it is
14 people spend \$15,000 on custom-made cherry cabinets, and I
15 tell the guy I'm going to cut a plug in the end of the
16 peninsula, and he goes, "Hey, no, you're not. I don't
17 want one there." So in that case, if there was an option
18 to put an additional receptacle on the wall, I think that
19 would be acceptable and -- maybe that is what you're
20 saying.

21 SECRETARY FULLER: That is what I'm saying. Because
22 it -- I just say it's not required. But if you don't do
23 it, then you have to put it on the wall. So I think it's
24 clearly an option.

25 BOARD MEMBER SIMMONS: Okay. I guess maybe I'm

17

1 thinking that it in most cases is a preferred method to
2 still have the receptacle there. But if for some reason
3 the customer says, "Hey, I don't want it" or "I've got
4 little kids and I'm worried about it; I would rather not
5 have it there," then making that an option rather than
6 just eliminating it as a requirement at all because that's
7 really what we're doing.

8 SECRETARY FULLER: And I understand where you're at.
9 I think the easiest and best way for me to do that if it
10 would make you more comfortable is to make that a part of
11 our outreach with like a newsletter and the Listserv and
12 stakeholder meetings and those kinds of things, Jim,
13 rather than -- I get -- you know, there is an option
14 clearly with the way I've got it written. But to say that
15 one's preferred over another, I'm not sure that that's my
16 choice. I think it's more the customer's choice.

17 BOARD MEMBER SIMMONS: Well, but I'm saying I guess
18 -- and the reason I'm saying it the way I'm saying it,
19 Ron, is because it still is an NEC requirement. And we
20 are dramatically altering in my opinion the NEC here. And
21 I am very -- I'm just very hesitant to do that unless
22 there's a major reason why we're doing it.
23 And in number (6), again, I agree that it is kind of
24 a silly requirement.
25 Number (7) I'm not convinced that it is a silly

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1 requirement. But I understand that there can be
2 extenuating circumstances that require people to put an
3 outlet there when they would prefer not to have one. And
4 in that case maybe it's not a bad idea to give them an
5 alternative. But I'm not sure that getting rid of the
6 requirement at all is the way to go. That's my concern.
7 SECRETARY FULLER: Okay.
8 BOARD MEMBER PREZEAU: If I can just weigh in, I do
9 also agree with Jim. And I certainly appreciate Ron's
10 comment about having a receptacle on a peninsula with --
11 especially one that's in the face of a cabinet where you
12 have an extension cord or a cord from an appliance plugged
13 in over the side of a countertop.
14 But my other comment is that most appliance cords are
15 only two feet long. And if you have a six-foot extension
16 with one plug -- or one outlet on the wall, and you want
17 to use the entire peninsula for appliances, you're going
18 to have to use extension cords on the top of that
19 countertop. And that concerns me as a safety issue as
20 well.
21 But I certainly appreciate, Ron, what you're trying
22 to do here. And I agree 100 percent with what Jim Simmons
23 had to say about, you know, certainly some customers,
24 whether it's countertop surfaces or construction of
25 cabinets would like to eliminate that requirement. But I

19

1 don't know if there's an opportunity to use some sort of
2 variance.
3 SECRETARY FULLER: I can always do this with a
4 variance, Tracy.
5 BOARD MEMBER PREZEAU: Okay.
6 SECRETARY FULLER: But the dilemma there is that, you
7 know, to do a variance it costs them \$70 and some time.
8 And I just don't think it's worth that.

9 But if -- I'll be frank with the Board here. If the
10 Board doesn't want number (7) to move forward, I will take
11 it out. But my intent will be every time this issue comes
12 up to issue a variance that meets these requirements.
13 CHAIRPERSON ASHFORD: Ron, what prompted the language
14 in this (7)(a)?
15 SECRETARY FULLER: This has -- for us, on final
16 inspections, this has been an ongoing issue ever since
17 I've been the Chief, Gloria. And every year it just seems
18 to get bigger because the houses seem to get bigger and
19 fancier. So it just -- it's a continuing issue with us on
20 final inspections.
21 CHAIRPERSON ASHFORD: So it's an issue more with the
22 residential electrical contractor and the homeowner not
23 wishing to have their cherry cabinets --
24 SECRETARY FULLER: I believe it's what Jim said is
25 that when he shows up with the cherry countertops -- or

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1 cabinets, that the homeowner says, "No way you're cutting
2 a hole in that," and then they push the issue by not
3 putting it in.
4 CHAIRPERSON ASHFORD: A new house with cherry
5 cabinets and granite countertops, I don't think -- I don't
6 want holes in them either.
7 SECRETARY FULLER: The problem then when you start
8 going down the variance routine, just for the Board to be
9 aware of my concerns I guess, is that, you know -- is that
10 if the outlet isn't installed, the first thing that
11 happens is the inspector writes a correction. That takes
12 time. Then we have some conversations at the local level
13 between the inspector and the supervisor and the homeowner
14 and the contractors usually. That takes time. And then
15 ultimately it gets bumped up to my level, and it takes
16 more time. And then at that point we charge them \$70 to
17 boot.
18 So, you know, my guess would be that if we run one of
19 these through a variance process, in reality just from the
20 Department's time we've probably spent \$5- or \$600 on it.
21 And I just don't think that's a useful use of our
22 resources.
23 BOARD MEMBER PARKER: Ron, I read the first part of
24 it that says it's not required. If you want to, it allows
25 you to put them there. And I at this point would be in

21

1 concurrence with the Department; I think it's a good move
2 to include (7).

3 SECRETARY FULLER: Okay.

4 Tom, you were trying to say something there earlier
5 too.

6 BOARD MEMBER PHILLIPS: Yeah. I was just -- thanks.

7 Yeah, I agree with Jim, originally anyhow, that I think we
8 should try and stick with the code unless we have a really
9 compelling reason to change it. And two or three
10 conflicts a year I don't think is enough to change it.

11 Because you have all sorts of conflicts where it's not
12 convenient for somebody to put a hole in, say, a bathroom
13 counter where there's a mirror or something like that.

14 But the outlet is there for a reason. Because the
15 appliance cords are only two foot long. And putting an
16 additional cord outlet on that wall I don't think -- it
17 can't serve that area anyway. So why put an additional
18 outlet there when also those granite back splashes are
19 often harder to put a receptacle in than peninsula because
20 the peninsula you can go into the wood siding and put your
21 outlet there. So in my opinion it's easier to put it in
22 the peninsula than in the back slash on the serving
23 counter.

24 So I would prefer that we eliminate (7). And I agree
25 that (6) is a good provision to keep that.

22

1 SECRETARY FULLER: Okay. Well, everybody I think
2 just keep thinking about this one. And we'll move on
3 through, and then when we get to the end, you can make
4 your motions to recommend however you want to do it at
5 that point I think.

6 Is that acceptable to everybody that we move on?

7 THE BOARD: Yes.

8 SECRETARY FULLER: Okay. The next one is on section
9 555, paragraph (2). Here we added the word "terminations"
10 after the word "transformer" and eliminated the "s" on
11 transformer.

12 The reason for this is that we've had some
13 installations come up on some of the docks where the
14 transformer and the panelboards are all included in one
15 enclosure. And the enclosures we're finding that they're
16 building now are approved for marine use and everything,
17 and the transformer terminations are actually up in the
18 air about anywhere from 14 to 18 inches we found. But
19 with the language that we had on this one, it appeared to

20 prohibit that kind of an installation. Because the case
21 that encloses everything normally bolts to the deck of the
22 dock. So I think it's just a clarification on our intent
23 that we allow the -- that we want the transformer
24 terminations up, but we aren't necessarily worried about
25 the enclosure itself.

23

1 Okay. Then the next one -- the next one is in 950.
2 So it's way back in the packet. And in this one we're
3 deleting section 950 entirely.

4 That's the section that gave the opportunity for
5 using previous work experience. We don't have any
6 specialties right now that have any open-window
7 opportunities. That was just an oversight. We should
8 have eliminated that one originally. Because we're not
9 taking any trainee hours right now that are not approved
10 under the trainee requirements.

11 Likewise, on section 955, we're deleting that one and
12 the figure that goes with it because it ties together with
13 950; there are no open-window opportunities right now.

14 Then the next change is in --

15 BOARD MEMBER PREZEAU: Ron, just real quick.

16 SECRETARY FULLER: Sure.

17 BOARD MEMBER PREZEAU: It was my understanding that
18 -- and maybe I just want to ask the question -- is that
19 the window to submit past credit was to remain open until
20 June 30th. Is that not correct?

21 SECRETARY FULLER: That was last year, though, 2005.

22 BOARD MEMBER PREZEAU: Okay.

23 SECRETARY FULLER: So that was the deadline was in
24 summer last year.

25 BOARD MEMBER PREZEAU: Okay. Thank you.

24

1 SECRETARY FULLER: Okay?

2 Then the next section that has a change in it is
3 section 960. And it's in paragraph (3).

4 Made some slight changes there, and added the words
5 "and electricians" and "examination" and the word "after"
6 in that paragraph. And what that lets us do is complete
7 the Board approval to break the electrician exams into
8 multiple parts. So we've got the same rules that apply
9 now to the administrator, master's and electrician exams.
10 So if we have a multiple part exam, it's the same rules as
11 the administrators have been following for years where if

12 they pass one part, they don't have to retake that part
13 within the one-year period. So that's what that change is
14 all about.
15 BOARD MEMBER (D.A.) BOWMAN: Does the electrician
16 examination refer only to an (01)? Or does it refer to
17 any --
18 SECRETARY FULLER: No. That's all. Electricians are
19 all the specialties also, Dave.
20 BOARD MEMBER (D.A.) BOWMAN: Okay.
21 SECRETARY FULLER: Because they don't differentiate
22 in the statute between them on exams.
23 Okay. Then the next section that has a change is
24 section 999. It's the laboratory part of the rule. In
25 paragraph (3) and (4) and paragraph (9), there's some

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1 changes. Paragraph (13). And I think that was all of
2 them. There may be one or two other small ones.
3 These are all AG recommendations to clarify the
4 language from a legal point of view. It's -- like on
5 paragraph (9), it's the organizational structure, and we
6 didn't say of what. Never have. And they just wanted to
7 clarify that it was of the laboratory.
8 So all of those changes are based on AG
9 recommendations.
10 And that's I believe all of the changes that we've
11 got since the October Board meeting.
12 BOARD MEMBER TRICARICO: Ron, can I bring you back to
13 110 for a minor housekeeping check? Specifically 110,
14 paragraph (6).
15 SECRETARY FULLER: Okay.
16 BOARD MEMBER TRICARICO: Can we add under the first
17 words "only licensed electrical contractors," can we put a
18 back slash and "telecommunications" like we did in the
19 rest of that paragraph?
20 SECRETARY FULLER: Yeah, we sure can. Yeah, that's
21 just one that we missed there, Fred.
22 BOARD MEMBER TRICARICO: Thanks.
23 CHAIRPERSON ASHFORD: Any comments from Board members
24 on these revisions other than the (7)(a) that was
25 discussed in length?

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1 BOARD MEMBER (D.A.) BOWMAN: Ron, we didn't cover
2 997, but in reading through it, it appears to me that this
3 is mainly taking the language from 999 and applying it to

4 engineers rather than laboratories. And it appears in a
5 few spots -- and I don't have them marked -- that the term
6 "laboratories" still exists in there and needs to be
7 changed to "engineer."

8 SECRETARY FULLER: In 1997?

9 BOARD MEMBER (D.A.) BOWMAN: 1997, yes.

10 SECRETARY FULLER: Okay. You could be right.

11 BOARD MEMBER (D.A.) BOWMAN: Paragraph (8) talks
12 about a renewing laboratory.

13 SECRETARY FULLER: Ah, okay. Okay. I will commit
14 that we will go through before the hearings next week and
15 find all of those words, Dave, and change them to the
16 engineer.

17 BOARD MEMBER (D.A.) BOWMAN: Okay.

18 BOARD MEMBER PREZEAU: And since the Chair has opened
19 this up I believe for additional comments outside of the
20 receptacles in the kitchen, I just want to say that with
21 respect to section 110, paragraph (10) where we are going
22 to or proposing to eliminate cover inspection for all
23 firewall penetration, and I certainly appreciate that the
24 intent of class B inspections is a great deal of help,
25 especially when you're looking at low-voltage thermostat

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1 installations, and appreciate the elimination of it of
2 inspections for, you know, when you're installing more
3 than one low-voltage device. But -- and I certainly don't
4 want to eliminate class B inspections, but I am very
5 concerned about eliminating cover inspections when a
6 firewall is penetrated. And I don't know how to resolve
7 that with, you know, low voltage penetrations of a
8 firewall. But I just want to go on record as saying it
9 makes me very nervous to eliminate cover inspections going
10 through firewall penetrations.

11 SECRETARY FULLER: I think -- and Tom, I think you
12 can confirm what I'm fixing to say here -- is that the
13 actual firewall penetration is not an electrical issue
14 that we would inspect anyway. It's a building official
15 issue that the building code addresses in detail I
16 believe. Is that true?

17 BOARD MEMBER PHILLIPS: Right, yeah. It's found in
18 the building code, not the electrical code.

19 SECRETARY FULLER: Right. So even if we found a
20 problem, Tracy, we wouldn't write a correction. At the
21 most, we'd do a --

22 BOARD MEMBER PREZEAU: The building inspector --

23 SECRETARY FULLER: -- referral to the building
24 official, right.
25 BOARD MEMBER PHILLIPS: Yeah.

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1 BOARD MEMBER PREZEAU: Okay. And then if I could
2 just go on record saying, again, in the same section 110,
3 paragraph (8), when we're talking about -- and Philip
4 Parker raised a question about random -- failures of
5 random inspections. And I just want to say that I prefer
6 the original language in that. Although, in statement
7 (a), you know, I'm indifferent to either an installation
8 or a label, but I'd prefer the statement in paragraph (b)
9 that if any such subsequent installation fails inspection
10 that all inspections in the block must be inspected.

11 And I certainly do appreciate, Ron, your comments
12 about restricting the sale of class B booklets or stickers
13 for repeat offenders; I appreciate that. But I just want
14 to say that I prefer the original language.

15 BOARD MEMBER SIMMONS: And I prefer the existing
16 language. The reason I prefer the existing language is I
17 don't think the Department should have to go through ten
18 labels if they see one issue and they inspect one or two
19 other ones and everything is okay. It does not -- you
20 know, if one guy forgets a ground screw in a box and the
21 pigtail is not grounded properly but they go to two other
22 sites and see that well, this is one guy that missed one
23 ground screw and the rest of them appear to be fine, I
24 don't think they should have to go through every single
25 site and confirm that the guy -- you know, just because we

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1 had one apprentice that forgot one screw, why should they
2 have to go through all ten of them when it appears that
3 the rest of them are okay. I'm not sure that that's a
4 good use of the Department's time.

5 BOARD MEMBER PREZEAU: I agree with you, Jim.
6 My -- I suppose my underlying concern here is not for
7 contractors that are using these, you know, correctly. My
8 concern is -- and perhaps it is going to be addressed by
9 what Ron said about prohibiting the sale of class B
10 inspection books is that potentially you're going to have
11 individuals and contractors placing class B inspection
12 stickers on installations that go outside of the scope of
13 class B work.

14 And my thought is that potentially in the case that

15 you have an inspection, and the inspection doesn't
16 necessarily fail because of installation; it fails because
17 the work performed is outside of class B scope of work,
18 then at that point, you know, I would certainly hope that
19 the Department would view that as a fairly serious
20 violation depending on how far that installation is
21 outside the scope of work and would start auditing or
22 looking at, you know, multiple installations performed by
23 that individual or that contractor to ensure that that is
24 the only case that these class B inspections are being
25 abused.

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1 Certainly I appreciate the reasons for their
2 existence. It's just my fear is that you're going to have
3 individuals who will use them because they're much cheaper
4 -- and maybe perform, you know, satisfactory
5 installations, but will use them to go outside of the
6 scope of work.

7 BOARD MEMBER SIMMONS: Well, I can tell you that the
8 Department does do audits because I was caught on one
9 where one of my guys used one where we had an underground
10 wire that was buried. In this particular case it was just
11 one circuit out to an out building or something. And
12 L & I did do an audit and did reprimand us, and we bought
13 a different permit and explained to my guys where and when
14 they can be used because there was some misunderstanding
15 about the application. So it does happen once in a while.

16 But I will also tell you that L & I does a very good
17 job of keeping up on them and keeping track and making
18 sure that people are not abusing them. I think it's a
19 very viable and very necessary type of permit that allows
20 "responsible," quote/unquote, contractors to use L & I's
21 time and our time in a more efficient manner than having
22 L & I come out and inspect every single little plug and
23 every light fixture we put on.

24 It really does make a lot of sense, and I think that
25 this provision that L & I's wanting here does make a lot

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1 of sense because it allows the inspector --
2 I'll tell you something. It's like a lot of other
3 things. The inspectors know who the problem people are.
4 The inspectors are going to go and check more of the
5 people that they have issues with, even if they're
6 licensed. They know who those people are. They're going

7 to go and check more installations. If they find a
8 problem, they're going to go back on that guy. And I hope
9 that people -- that the inspectors know that overall my
10 guys do a very good job and they don't have to double- and
11 triple-check everything we do.

12 So I think there's a difference, and I think the
13 inspectors -- it's just like the police know the guys that
14 are dealing the drugs. The inspectors know the problem
15 people.

16 BOARD MEMBER PREZEAU: And I agree with you, Jim,
17 with your last statements absolutely.

18 And I'm just curious, Ron, if you have any -- can
19 give me an idea -- give the Board an idea, if not today,
20 at the next Electrical Board meeting how many class B
21 permits have been sold; how many random inspections have
22 been done; of those, how many have failed. You know, if
23 you could give us an idea of potentially even what -- and
24 I don't know if this would be too time consuming, but what
25 type of installations were being performed under class B

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1 inspections, if you could give us a little report, either
2 if you're prepared today or at the January 26th meeting, I
3 would certainly appreciate that.

4 SECRETARY FULLER: I can't do it today. But I will
5 see what I can get together for the January meeting.
6 That's pretty touch and go too because legislature's
7 getting ready to start, Stacy.

8 But I'll tell you that we -- it's not just that we
9 look at -- every so often every label that actually comes
10 through gets looked at by one of the electrical auditors
11 to look for scope-of-work issues. I mean, not to say that
12 the contractor can't just totally lie about what they did
13 and put down thermostat when they did a 100-amp feeder.
14 But I would think that's the rare bird that would take
15 that risk.

16 So that's how we're doing it right now is we look at
17 every one as they come through and make sure that they're
18 in the scope for that contractor.

19 BOARD MEMBER PREZEAU: I just thought that it would
20 be good for the Board to if possible have you report to us
21 about, you know, keeping up on how many permits have been
22 sold, how many inspections have been made, how many have
23 -- and just keep us -- this is a fairly recent scope of,
24 you know, inspection work, and I was just hoping that
25 potentially you could keep us informed of what was going

1 on in the industry.

2 SECRETARY FULLER: Right. And I'd like to do that.

3 But I'd like to start that -- I think that would be a good
4 thing for the Board agenda every meeting actually. But
5 I'd like to do it in April because in November we had the
6 really pretty radical change in class B. And to keep the
7 apples and oranges separated, I'd like to kind of start
8 out maybe from the first of the year with what we get in.
9 And that way I can give you like a quarterly update.

10 BOARD MEMBER PREZEAU: I would appreciate that.
11 Thank you.

12 CHAIRPERSON ASHFORD: Any further comments on the
13 changes with the exception of the countertops, issue
14 number (7)?

15 Okay, it sounds like there is not. So should we go
16 back to (7)?

17 BOARD MEMBER (D.S.) BOWMAN: I understand -- I mean,
18 we've been sitting here listening to all the reasons to
19 eliminate that, but I don't think we should. I mean,
20 there is -- even though a lot of appliances only have a
21 two-foot cord on them.

22 If you have, let's say, a double duplex at the end of
23 that counter in the wall, what are they going to plug into
24 it? I mean, what countertop appliances are going to have
25 -- unless they started charging a bunch of cell phones. I

1 don't really see why that would be a -- why we need to
2 eliminate that.

3 SECRETARY FULLER: Again, I want to reaffirm that I'm
4 not eliminating outlets. I'm just -- I'm relocating them
5 with this.

6 BOARD MEMBER (D.S.) BOWMAN: Right, right.

7 SECRETARY FULLER: Or giving them the option to
8 relocate.

9 Like Jim said, you know -- or I think it was --
10 whoever it was that said -- Tom was talking about granite
11 splashes. You know, if there's a granite splash, it
12 still may be easier for them to cut the cherry cabinet and
13 put it in where it was required in the first place.

14 So what I'm trying to do is give them an option;
15 that's all.

16 CHAIRPERSON ASHFORD: Ron, will you read again the
17 changes that you've made to this since our meeting began?

18 SECRETARY FULLER: Well, the only change that I'm
19 thinking today after today's conversation is to change the
20 word "opposite the point" to "where the point."
21 BOARD MEMBER SIMMONS: Can I kick in one thing here,
22 Ron? What -- I would be a little more comfortable, and
23 possibly some of the other members of the Board too, very
24 very possibly if it said something like "If it is
25 impractical" -- or impracticable, which is usually the

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1 language used in the code -- "to install outlets on the
2 peninsula per NEC 210.52(c), then the required outlets
3 shall be installed on the wall adjacent to the peninsula"
4 or something like that. In other words, instead of just
5 saying "it is not required," which is the way we're
6 starting this out, a receptacle is not required -- I'm not
7 real comfortable with that language personally.
8 But I do understand there can be extenuating
9 circumstances where people have a large overhang on the
10 peninsula, where they have, you know, the granite and they
11 have a one-foot overhang, you can't get the outlet on
12 there anyway. Or people like Gloria that are having these
13 expensive cherry cabinets and would rather have them
14 located on the wall, I'm really not opposed to giving that
15 as an alternative, but I don't think we should give it as
16 the first option. And to me that's the way this reads: A
17 receptacle is not required on any peninsula counter
18 surface. It just says it's not required. And I'm not
19 sure that should be the first option, which is the way it
20 puts it in my opinion.
21 SECRETARY FULLER: Okay. What if I changed the
22 language then to say, "If it is impractical to install the
23 outlet or outlets required in NEC 210.52(c)(3)," comma,
24 and then continue on with my language?
25 BOARD MEMBER (D.A.) BOWMAN: The only problem I see

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1 with that is who defines what's impracticable? If they
2 already -- if somebody doesn't like it, is that
3 impracticable?
4 BOARD MEMBER SIMMONS: Well, it is in the code. That
5 language is in the code quite a few times. And it is the
6 authority having jurisdiction that has the right, in other
7 words, the inspector to interpret it and say, "Wait a
8 minute," you know, "I'm not buying that."
9 And this language would keep the first option as

10 being the receptacle in the end of the peninsula. And I
11 think that's important. We're not eliminating the
12 requirement in 210.52(c); all we're doing is giving people
13 an option if it's impracticable to mount it there.

14 And I have a lot less -- I can swallow that much
15 easier I guess is the way that I would put that. Because
16 it does give people an option then.

17 And there are some times when -- I used to do a lot
18 of custom homes where this does become a great issue with
19 people because they have a large overhang, because they do
20 have the expensive cherry and they see no need for that
21 outlet there. Require it somewhere else in that case.
22 Let them have an option. But don't make it the first
23 option. It is not required. I just have problems with
24 that wording.

25 BOARD MEMBER (D.A.) BOWMAN: And I agree with where

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1 you're going with that, Jim. But if you use the word
2 "impractical" or "impracticable," you can get back to the
3 same spot we're at now where the inspector says, "It's not
4 impractical to cut cherry; you can do it."

5 And the homeowner says, "Hell no. I'm not."

6 Pardon me my language.

7 CHAIRPERSON ASHFORD: Well, then that gives the
8 homeowner the option of seeking a variance.

9 BOARD MEMBER (D.A.) BOWMAN: Which is what's
10 happening right now.

11 SECRETARY FULLER: Well, I think that they won't have
12 to go to that extreme. Because at that point, what I
13 would ask for is a picture of that installation and have a
14 short conversation with the inspector as to why they think
15 that's the case. And then I can either overrule them or
16 not. So I think the process could be a lot simpler.

17 BOARD MEMBER PREZEAU: If I could just weigh in on
18 this, you know, we're certainly addressing the issue when
19 you talk about high-end homes. But what about the other
20 homes that are being built in Washington state,
21 especially, you know, large tract homes which aren't using
22 cherry cabinets and aren't having granite countertops, but
23 yet the builder or contractor has decided that it's much
24 more cost efficient for them to install a receptacle in
25 the wall rather than put it in the peninsula where it

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1 becomes the contractor's choice due to economics rather

2 than the homeowner's choice and preference.

3 CHAIRPERSON ASHFORD: Tracy, you know, if you go back
4 to the word, you know, "impracticable," then that issue
5 would be resolved. You know, your tract homes where you
6 have just, you know, say, a laminate countertop and you
7 don't have the fancy overhangs, et cetera, a receptacle
8 can be put in.

9 SECRETARY FULLER: I need to interrupt the
10 conversation here because we only have three minutes left,
11 then we have to sign off. So I do need a motion one way
12 or another on this one. Because we have to be off the
13 phone at 10:00.

14 CHAIRPERSON ASHFORD: Ron, would you like a motion
15 just on (7) at this time?

16 SECRETARY FULLER: Well, let's do (7) first very
17 quickly and see how it goes. And then we'll do one
18 quickly on the rest of it. I think that would be a good
19 idea, Gloria.

20 CHAIRPERSON ASHFORD: Okay. Do we have a motion on
21 just number (7)?

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23 Motion

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25 BOARD MEMBER SIMMONS: Well, I would like to make a

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1 motion that the wording on 052(C), number (7) regarding
2 countertops that the wording be changed to "if it is
3 impracticable to install outlets per NEC 210.52(c)," and
4 then the required outlets as Ron has in the second
5 sentence, then that be continued.

6 BOARD MEMBER PARKER: I would second that.

7 CHAIRPERSON ASHFORD: We have a motion and a second.
8 Any further discussion? Okay. Do we need that motion
9 repeated?

10 BOARD MEMBER SIMMONS: I hope not because I'm not
11 sure I can repeat it.

12 CHAIRPERSON ASHFORD: Well, Milton can do it for us.

13 With that being said, all in favor of the motion
14 signify by -- well, you're going to have to identify
15 yourselves.

16 SECRETARY FULLER: Gloria, can I do a suggestion
17 here?

18 CHAIRPERSON ASHFORD: Sure.

19 SECRETARY FULLER: Is just if there's a nay, let's
20 hear the nays. And we'll assume everybody else is a yea

21 unless they say they want to abstain.
22 CHAIRPERSON ASHFORD: Okay. Following Ron's
23 direction, do we have any nays? Motion carried.
24
25 Motion Carried

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1 CHAIRPERSON ASHFORD: The language of 052(c)
2 countertops, number (7) will be changed as drafted.
3 The balance of the changes, do we have a motion on
4 accepting the balance of the changes?
5
6 Motion
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8 BOARD MEMBER WILSON: I'll make a motion to accept.
9 CHAIRPERSON ASHFORD: Okay, we have a motion to
10 accept the balance of the changes. Do we have a second?
11 BOARD MEMBER TRICARICO: I'll second.
12 CHAIRPERSON ASHFORD: We have a motion and a second
13 to accept the changes. Any further discussion? Anyone
14 opposed, signify by saying "nay" and your name.
15 BOARD MEMBER PREZEAU: This is Tracy Prezeau, and I
16 vote nay.
17 CHAIRPERSON ASHFORD: As we only with one nay vote,
18 the motion is carried.
19
20 Motion Carried
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22 SECRETARY FULLER: Okay. We'll be having public
23 hearings next -- I think it's next week in Tumwater and
24 Wenatchee. Is that correct? I think that's where they're
25 at. Oh, Ellensburg. So anybody that has public comments

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1 at that point, we'll have to resolve it at the Department
2 level also. But I'll be reporting back to the Board at
3 the January meeting on any comments that we had at that
4 point. So --
5 CHAIRPERSON ASHFORD: Those public meetings, will
6 that be posted -- the date, time and place -- on the L & I
7 web site?
8 SECRETARY FULLER: They're already -- it should be
9 posted now.
10 CHAIRPERSON ASHFORD: Okay.
11 SECRETARY FULLER: And we will advertise them in the
12 Electrical Currents also.

13 CHAIRPERSON ASHFORD: There being no further
14 business, at 10:03 a.m. we will adjourn this meeting.

15 SECRETARY FULLER: Thank you, everybody.

16 (Whereupon, at 10:03 a.m.,
proceedings adjourned.)

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1 C E R T I F I C A T E

2

3 STATE OF WASHINGTON)

) ss.

4 County of Pierce)

5

6 I, the undersigned, a Certified Court Reporter in and
for the State of Washington, do hereby certify:

7

That the foregoing transcript of proceedings was
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10 foregoing transcript were done and completed to the best
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11 the proceedings;

12 That I am not a relative, employee, attorney or
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IN WITNESS WHEREOF, I have hereunto set my hand on
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16

17

18

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